

ROCKY BOY'S/NORTH CENTRAL MONTANA REGIONAL
WATER SYSTEM ACT OF 2001

OCTOBER 2, 2002.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1946]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1946) to require the Secretary of the Interior to construct the Rocky Boy's/North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1946, is to require the Secretary of the Interior to construct the Rocky Boy's/North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In order to provide for the needs of, and augment the growth of the Chippewa Cree Tribe of the Rocky Boys Reservation, Congress passed, and the President signed, Public Law 106-163 (The Chip-

pewa Cree Tribe of the Rocky Boys Indian Reservation Water Rights Settlement and Water Supply Act) in 1999. The Act quantified the Tribes surface and groundwater rights on the Reservation, and provided the Tribes an additional 10,000 acre feet of water from Tiber Reservoir.

H.R. 1946 will provide for the delivery of the allocated water from the reservoir, sixty miles east of the reservation, to the communities throughout the reservation (core system). It will also provide for the construction of transmission pipelines to existing, non-Indian, rural water systems of Chouteau, Hill, Liberty, Pondera, Teton, and Toole Counties (noncore system). The act authorizes the appropriation of \$120 million for the planning, design, and construction of the core system and \$60 million for the planning, design, and construction of the noncore system. The total estimated cost is anticipated to be \$200 million.

COMMITTEE ACTION

H.R. 1946 was introduced on May 22, 2001 by Congressman Dennis R. Rehberg (R-MT). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On April 24, 2002, the Subcommittee held a hearing on the bill. On September 12, 2002, the Full Resources Committee met to consider the bill. By unanimous consent, the Subcommittee on Water and Power was discharged from further consideration of H.R. 1946. The bill was then ordered favorably reported to the House of Representatives, without amendment, by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the “Rocky Boy’s/North Central Montana Regional Water System Act of 2001.”

Section 2. Findings and purpose

Congress finds that the water systems currently serving central Montana do not meet minimum health and safety standards and are not adequate to supply the water needs.

Section 3. Definitions

This section defines the terms used in this Act.

Section 4. Rocky Boy’s Rural Water System

This section identifies the components of Indian water system and the requirements for the planning, designs, and construction as well as the operations, maintenance and replacement costs for the system.

Section 5. Noncore system

This section identifies the components of the non-Indian system and the requirements for the planning, design, and construction as well as the operation, maintenance, and replacement of the system.

Section 6. Limitation on availability of construction funds

This section requires that the Secretary shall not obligate funds for construction of the core or noncore systems until all National Environmental Policy Act requirements are met, and 90 days after the date the final engineering report is approved by the Secretary.

Section 7. Interconnection charges

This sections designates that the nontribal communities shall be responsible for connection to the water transmission lines.

Section 8. Nondiminishment of Tiber Reservoir allocation to the tribe

This section provides that the water provided for the noncore system shall not diminish the water supply for the Tribe.

Section 9. Use of Pick-Sloan power

This section identifies the power source and rates for pumping on the project.

Section 10. Water conservation plan

This section requires that a water conservation plan be developed by the Tribe and the Authority that will distribute the water.

Section 11. Water rights

This section states that this Act does not limit or impair the Tribes water rights.

Section 12. Authorization of appropriations

This section authorizes \$120,000,000 for the core system and \$60,000,000 for the noncore system planning, designs, and construction and addresses cost indexing of the costs.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not

contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to require the Secretary of the Interior to construct the Rocky Boy's/North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 1, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1946, the Rocky Boy's/North Central Montana Regional Water System Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for federal costs), and Marjorie Miller (for the impact on state, local, and tribal governments).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1946—Rocky Boy's/North Central Montana Regional Water System Act of 2001

Summary: H.R. 1946 would direct the Department of the Interior (DOI) to build a water distribution system for the Chippewa Cree Tribe of the Rocky Boy's Reservation and for certain nearby counties in Montana. The bill would authorize the appropriations of \$180 million for the Bureau of Reclamation to plan, design, and construct the water system. In addition, the legislation would authorize the appropriation of such sums as are necessary for the Bureau of Indian Affairs (BIA) to operate, maintain, and replace the portion of the system on the reservation.

Based on information from the DOI, CBO estimates that implementing H.R. 1946 would cost \$184 million over the 2003–2007 period, assuming the appropriation of the authorized amount for the Bureau of Reclamation and necessary amounts for BIA. Enactment of this bill would not affect direct spending or revenues.

H.R. 1946 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

The federal assistance authorized by this bill would benefit both the Chippewa Cree Tribe and the North Central Montana Regional Water Authority, and any costs they might incur to comply with the conditions of this assistance would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1946 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 450 (community and regional development).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	16	0	0	0	0	0
Estimated Outlays	11	7	6	2	0	0
Proposed Changes:						
Estimated Authorization Level	0	180	1	1	1	1
Estimated Outlays	0	81	37	37	28	1
Spending Under H.R. 1946:						
Estimated Authorization Level ¹	16	180	1	1	1	1
Estimated Outlays	11	88	43	39	28	1

¹The 2002 level is the amount appropriated for that year for improvements to the Rocky Boy's Reservation water system.

For purposes of this estimate, CBO assumes that the amounts authorized by the bill will be appropriated in fiscal year 2003. Estimated outlays are based on historical spending rates for similar projects. Based on information from DOI, we estimate that operation and maintenance of the portion of the system on the reservation would cost \$1 million annually, beginning in 2004.

Intergovernmental and private-sector impact: H.R. 1946 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The federal assistance authorized by this bill would benefit both the Chippewa Cree Tribe and the North Central Montana Regional Water Authority, and any costs they might incur to comply with the conditions of this assistance would be voluntary.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.